

Appln. No. 10/609,336  
Amendment dated February 22, 2006  
Reply to Office Action mailed November 14, 2005

### **REMARKS**

Applicant's attorney is pleased to note that, at page 2 of the Office Action, the Examiner has indicated that Claims 5-18 contain allowable subject matter. By the foregoing amendments, Claim 5 has been rewritten in independent form to include all of the features recited in its base claim (i.e., Claim 1) and its intervening claims (i.e., Claims 2-4). In amending Claim 5, minor editorial changes have been made to the original claim language in order to overcome the Examiner's objection to Claim 1. In the foregoing circumstances, it is respectfully submitted that amended independent Claim 5 is in condition for allowance.

With respect to Claims 6-18, they depend, either directly or indirectly, from amended independent Claim 5. In such circumstances, it is believed that Claims 6-18 are also in condition for allowance.

The Examiner objected to Claim 1 due to an informality. With the entry of this Amendment, Claim 1 has been amended in order to correct the objection.

Claims 1-4 have been rejected under 35 U.S.C. 102(b) as being anticipated by Person et al. U.S. Patent No. 5,997,552. For the following reasons, applicant's attorney respectfully traverses the foregoing claim rejection.

Initially, it is noted that Claim 1 has been amended in order to emphasize and clarify certain novel features of the present invention. More particularly, the present invention, as recited in amended independent Claim 1, relates to an inserter for multiple

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surgical anchors, which includes first receiving means for receiving one of the surgical anchors. The first receiving means includes a first cannulated sleeve which is sized and shaped so as to receive the surgical anchor therein. First ejecting means, which includes a first cannulated pin, is also provided for ejecting the surgical anchor from the first receiving means. The first cannulated sleeve is mounted on the first cannulated pin for reciprocating movement relative thereto. The inserter further includes a second receiving means for receiving the other surgical anchor. The second receiving means includes a second cannulated sleeve which is sized and shaped so as to receive the surgical anchor therein. Second ejecting means, which includes a second cannulated pin, is also provided for ejecting the surgical anchor from the second receiving means. The second cannulated sleeve is mounted on the second cannulated pin for reciprocating movement relative thereto. Actuating means are provided for simultaneously actuating the first and second ejecting means, whereby one of the surgical anchors is ejected from the first receiving means while the other surgical anchor is ejected from the second receiving means.

It is respectfully submitted that the Person et al. reference does not anticipate or make obvious the present invention as recited in amended independent Claim 1. For instance, the Person et al. reference discloses a meniscal fastener which includes a firing bar 52 (see FIG. 15 of the Person et al. reference) and a pair of tabs 116 (see FIG. 19C of the Person et al. reference). The Examiner appears to take the position that the firing bar<sup>1</sup>

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<sup>1</sup> The Examiner actually equates the structure with reference number 106 shown in FIG. 15 of the Person et al. reference to the first and second cannulated sleeves of the present invention. However, the written description of the Person et al. reference does not include any feature corresponding to reference number 106.

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52 of the Person et al. reference is equivalent to the first and second cannulated sleeves of the present invention, and that the tabs 116 of the Person et al. reference are equivalent to the first and second cannulated pins of the present invention. As shown in FIG. 20C of the Person et al. reference, the distal end of the firing bar 52 is provided with a pair of tabs 116 which serves to effect ejection of the fastener 30 (FIG. 19C). Because the firing bar 52 and the tabs 116 of the Person et al. reference are attached in a manner so as to move conjointly, relative movement between the firing bar 52 and the tabs 116 is not possible. Accordingly, the Person et al. reference fails to disclose or to suggest the inserter recited in amended Claim 1 (i.e., an inserter which includes a first cannulated sleeve mounted on the first cannulated pin for reciprocating movement relative thereto and a second cannulated sleeve mounted on the second cannulated pin for reciprocating movement relative thereto).

In the foregoing circumstances, it is respectfully submitted that amended independent Claim 1 recites subject matter which distinguishes patentably over the Person et al. reference, and, therefore, it is in condition for allowance.

Claim 4 depends directly from amended independent Claim 1. In such circumstances, it is believed that Claim 4 is also in condition for allowance.

In view of the foregoing amendments and remarks, applicant's attorney respectfully requests reexamination and allowance of pending Claims 1-18. If such action cannot be taken, the Examiner is cordially invited to place a telephone call to applicant's attorney in order that any outstanding issue may be resolved without the issuance of a further Office Action.

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Enclosed is a Petition for a one-month extension of time to and including March 14, 2006, for which a \$120 fee is due. The Petition authorizes the Examiner to charge this \$120 fee to Deposit Account No. 503571. If there are any additional fees due as a result of this Amendment, including extension and petition fees, the Examiner is authorized to charge them to Deposit Account No. 503571.

Respectfully submitted,

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